

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALVIN AUBREY ROE,

Defendant.

CR-17-16-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 2, 2021. (Doc. 286.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on June 1, 2021. (Doc. 281.) The United States accused Roe of violating his conditions of supervised release 1) by using spice; and 2) by failing to complete his 180-day term at the Great Falls Residential Re-entry Center. (Doc. 278.)

At the revocation hearing, Roe admitted to violating the conditions of his supervised release 1) by using spice; and 2) by failing to complete his 180-day term at the Great Falls Residential Re-entry Center. (Doc. 281.) Judge Johnston found that the violations Roe admitted proved to be serious and warranted revocation, and recommended that Roe receive a custodial sentence of 4 months with 20 months of supervised release to follow. Judge Johnston recommended Roe serve the first 60 days of supervised release in a secure inpatient drug treatment facility. (Doc. 281.) Roe was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 281.) The violations prove serious and warrant revocation of Roe's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Amended Findings and Recommendations (Doc. 286) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Alvin Aubrey Roe be sentenced to the custody of the United States Bureau of Prisons for 4 months, with 20 months of supervised

release to follow. Roe should serve the first 60 days of supervised release in a secure inpatient drug treatment facility.

DATED this 17th day of June, 2021.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court